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EXAMINER

FERNSTROM, KURT

ART UNIT	PAPER NUMBER
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3712

DATE MAILED: 05/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/717,382

Applicant(s)

GINZBURG ET AL.

Examiner

Kurt Fernstrom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## DETAILED ACTION

### *Claim Objections*

1. The numbering of claims is improper, in that claim 38 has been numbered as 37 due to an apparent typographical error.

Misnumbered claim 37 been renumbered 38.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 2-5, 11-12, 14-17, 23-24, 28-31 and 37 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claims recite the limitation that the NMR scanning device is “partially collapsible and expandable horizontally; however, no structural features are recited in the specification to enable this function of the scanning device.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 12, 24 and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "educational and promotional materials is very vague and broad, and does not define what structural elements are intended to be encompassed by the claims.

6. Claim 38 recites the limitation "said trailer" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 6, 7, 13, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liberman in view of Crowley. Liberman discloses in column 1, line 15 to column 2, line 62 of the specification a system and method for demonstrating and promoting various products comprising the method steps of placing the products and associated educational material into a trailer, transporting the trailer to a location for viewing by customers, admitting the customers into a viewing area in the trailer and demonstrating the operation of the products. While

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Liberman does not specifically disclose the promotion of NMR imaging devices, such devices are a known product. Crowley discloses in column 5, line 38 to column 7, line 59 of the specification one example of a portable NMR imaging device 2. Crowley further discloses in column 13, lines 44-64 that the imaging device is electrically connected to a control console 16, which is diagnostic equipment. It would have been obvious to one of ordinary skill in the relevant art to modify the system and method disclosed by Liberman by providing an NMR image scanning device and diagnostic equipment for the purpose of demonstrating and promoting the use of that particular equipment.

9. Claims 2, 3, 12, 14, 15 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liberman in view of Crowley, and further in view of Migurski. Liberman as viewed in combination with Crowley discloses all of the limitations of claims 2, 3, 12, 14, 15 and 24 with the exception of the imaging device being partially collapsible and expandable. Migurski discloses in Figures 6A-6G and in column 17, line 29 to column 18, line 65 of the specification a system and method for transporting medical equipment to remote locations comprising a medical module 97 which is collapsible and expandable to alternatively transport the device and use it. It would have been obvious to one of ordinary skill in the relevant art to modify the system and method disclosed by Liberman as viewed in combination with Crowley by providing collapsibility and expandability to the NMR image scanning device for the purpose of allowing the user to expand the device at the remote location.

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10. Claims 4, 5, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liberman in view of Crowley and Migurski, and further in view of Fernandez. Liberman as viewed in combination with Crowley and Migurski discloses all of the limitations of claims 4, 5, 16 and 17 with the exception of the trailer being horizontally expandable. Fernandez discloses in Figure 2 and in column 1, line 65 to column 2, line 45 of the specification a system and method for transporting equipment to remote locations comprising a trailer 1 which is horizontally expandable by way of retractable floor elements 34. It would have been obvious to one of ordinary skill in the relevant art to modify the system and method disclosed by Liberman as viewed in combination with Crowley and Migurski by providing expandability to the trailer for the purpose of allowing the trailer to accommodate more space during presentations.

11. Claims 8, 9, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liberman in view of Crowley, and further in view of Sheehan. Liberman as viewed in combination with Crowley discloses all of the limitations of claims 8 and 20 the exception of the imaging device and diagnostic equipment being connected through infrared wireless means. Infrared wireless means of communication are well known. Sheehan discloses in column 5, lines 26-42 a system and method for providing medical care comprising a medical device 130 and base unit 200 which may be connected through infrared wireless means. It would have been obvious to one of ordinary skill in the relevant art to modify the system and method disclosed by Liberman as viewed in combination with Crowley by providing infrared wireless connection

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means to the NMR image scanning device and diagnostic equipment for the purpose of providing a more compact system which is easier to transport.

12. Claims 10 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liberman in view of Crowley, and further in view of Lysysanski. Liberman as viewed in combination with Crowley discloses all of the limitations of claims 10 and 22 with the exception of the imaging device and diagnostic equipment being mock-ups. Providing simulations of medical devices are a well known means of demonstrating the proper use of the devices. Lysysanski discloses in column 5, lines 12-62 one example of a simulated imaging device. It would have been obvious to one of ordinary skill in the relevant art to modify the system and method disclosed by Liberman as viewed in combination with Crowley by providing a mock-up NMR image scanning device and diagnostic equipment for the purpose of demonstrating the proper use of the device to the user.

13. Claims 11 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liberman in view of Crowley and Migurski, and further in view of Hegedus. Liberman as viewed in combination with Crowley and Migurski discloses all of the limitations of claims 11 and 23 with the exception of the trailer having multiple entrances. Hegedus discloses in column 3, lines 38-46 of the specification a mobile exhibition unit comprising an expandable trailer 11 having entrances 60 and 70. It would have been obvious to one of ordinary skill in the relevant art to modify the system and method disclosed by Liberman as viewed in combination

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with Crowley and Migurski by providing multiple entrances for the purpose of allowing more users, including disabled people, to enter the trailer.

14. Claims 25-27, 32, 33, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liberman in view of Crowley, and further in view of Spitzer. Liberman as viewed in combination with Crowley discloses all of the limitations of claims 25-27, 32, 33, 38 and 39 with the exception of the steps of receiving feedback from the customers and modifying various aspects of marketing in accordance with the feedback. Requesting feedback from customers and making various changes to the product and to marketing strategies in accordance with the feedback received is very well known, as disclosed for example in column 1, line 16 to column 2, line 30 of the specification of Spitzer. Spitzer further disclose in column 2, lines 23-26 that a written questionnaire may be used, as claimed in claim 39. It would have been obvious to one of ordinary skill in the relevant art to modify the system and method disclosed by Liberman as viewed in combination with Crowley and Migurski by providing expendability to the trailer for the purpose of allowing the seller to present a more effective presentation.

15. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liberman in view of Crowley and Spitzer, and further in view of Migurski. Liberman as viewed in combination with Crowley and Spitzer discloses all of the limitations of claims 28 and 29 with the exception of the imaging device being partially collapsible and expandable. Migurski discloses in Figures 6A-6G and in column 17, line 29 to column 18, line 65 of the specification a system and method for transporting medical equipment to remote locations comprising a medical



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module 97 which is collapsible and expandable to alternatively transport the device and use it. It would have been obvious to one of ordinary skill in the relevant art to modify the system and method disclosed by Liberman as viewed in combination with Crowley and Spitzer by providing collapsibility and expendability to the NMR image scanning device for the purpose of allowing the user to expand the device at the remote location.

16. Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liberman in view of Crowley, Spitzer and Migurski, and further in view of Fernandez. Liberman as viewed in combination with Crowley, Spitzer and Migurski discloses all of the limitations of claims 30 and 31 with the exception of the trailer being horizontally expandable. Fernandez discloses in Figure 2 and in column 1, line 65 to column 2, line 45 of the specification a system and method for transporting equipment to remote locations comprising a trailer 1 which is horizontally expandable by way of retractable floor elements 34. It would have been obvious to one of ordinary skill in the relevant art to modify the system and method disclosed by Liberman as viewed in combination with Crowley, Spitzer and Migurski by providing expendability to the trailer for the purpose of allowing the trailer to accommodate more space during presentations.

17. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liberman in view of Crowley and Spitzer, and further in view of Sheehan. Liberman as viewed in combination with Crowley and Spitzer discloses all of the limitations of claim 34 with the exception of the imaging device and diagnostic equipment being connected through infrared wireless means. Infrared wireless means of communication are well known. Sheehan discloses in column 5,

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lines 26-42 a system and method for providing medical care comprising a medical device 130 and base unit 200 which may be connected through infrared wireless means. It would have been obvious to one of ordinary skill in the relevant art to modify the system and method disclosed by Liberman as viewed in combination with Crowley and Spitzer by providing infrared wireless connection means to the NMR image scanning device and diagnostic equipment for the purpose of providing a more compact system which is easier to transport.

18. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liberman in view of Crowley and Spitzer, and further in view of Lysysanski. Liberman as viewed in combination with Crowley and Spitzer discloses all of the limitations of claim 36 with the exception of the imaging device and diagnostic equipment being mock-ups. Providing simulations of medical devices are a well known means of demonstrating the proper use of the devices. Lysysanski discloses in column 5, lines 12-62 one example of a simulated imaging device. It would have been obvious to one of ordinary skill in the relevant art to modify the system and method disclosed by Liberman as viewed in combination with Crowley and Spitzer by providing a mock-up NMR image scanning device and diagnostic equipment for the purpose of demonstrating the proper use of the device to the user.

19. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liberman in view of Crowley, Spitzer and Migurski, and further in view of Hegedus. Liberman as viewed in combination with Crowley, Spitzer and Migurski discloses all of the limitations of claim 37 with the exception of the trailer having multiple entrances. Hegedus discloses in column 3, lines

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38-46 of the specification a mobile exhibition unit comprising an expandable trailer 11 having entrances 60 and 70. It would have been obvious to one of ordinary skill in the relevant art to modify the system and method disclosed by Liberman as viewed in combination with Crowley, Spitzer and Migurski by providing multiple entrances for the purpose of allowing more users, including disabled people, to enter the trailer.

*Conclusion*

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wright, Dulnig, Bersani and Holman disclose various expandable trailers. Kesel, Oyama and Bebiak disclose various methods of market research.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Fernstrom whose telephone number is (703) 305-0303.

KF

May 23, 2002

Kurt Fernstrom  
Kurt Fat